

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

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THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P.No.28260 of 2010

J.Swetha

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Petitioner

Vs

1.The State of Tamil Nadu,
rep.by its Secretary,
Department of Public (Law and Order)
Fort St. George,
Chennai – 600 005.

2.The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore.

3.The Director General of Police,
Admiralty House, Government Estate,
Dr.Radha Krishnan Salai,
Chennai – 600 004.

4.Thirumeni
Inspector of Police,
B1, Town Central Police Station,
Udhagamandalam,
Nilgiris 643 212.

5.M.Alexander

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Respondents

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus, directing the respondents 1 to 3 to take

punitive action against the fourth respondent and further direct the respondents to award the petitioner substantial compensation.

For Petitioner : Mr.P.V.Ravichandran
For R1 to R3 : Mr.J.Ramesh, AGP
For R4 : Mr.K.V.Sanjeev Kumar for
M/s.Royan Law Associates

ORDER

The prayer made in this writ petition is to direct the respondents 1 to 3 to take punitive action against the fourth respondent and to award compensation to the petitioner.

2.According to the learned counsel for the petitioner, there is a tenancy dispute between the petitioner and her landlord, which resulted in private complaint by her in STC.No.2309 of 2006. While so, on 26.04.2007, the petitioner received an anonymous call, for which, she filed a complaint to the fourth respondent through registered post. Later, she came to know that the said anonymous call was received from one Krishnan, who, on 27.04.2007, committed an act of theft of the property valuing to the tune of Rs.22,000/-, for which also, she lodged a complaint to the fourth respondent through registered post. Finding no response on the said complaints, the petitioner approached the Tamil Nadu State Information Commission under the provisions of

the Right to Information Act, 2005 and got certain information, as per which, she came to understand that the complaints sent by her were not received by the fourth respondent and one V.Raman, Writer of the fourth respondent's police station, which, according to her, is wilful and wanton. Hence, she made a complaint against those persons to their higher officials, to which, she ultimately received a reply dated 03.05.2008 from the Deputy Inspector General of Police, Coimbatore Range to the effect that the fourth respondent and the said V.Raman had submitted their explanation and after careful consideration, both of them had been severely warned by the Superintendent of Police, The Nilgiris by issuing warning memo to them on 04.06.2008. The learned counsel further submitted that being annoyed with the complaint made by the petitioner, the fourth respondent registered a false case against her, which ended in acquittal. That apart, the fourth respondent was colluding with the landlord and exerting pressure on the petitioner to eject her from the premises in question. Thus, the learned counsel prayed for appropriate relief to the petitioner.

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3. Denying the allegations made in the writ petition, the fourth respondent filed a detailed counter affidavit, wherein, at para 6, it has been specifically averred as follows:

"6.I deny the allegations that are made in para 10 of the affidavit filed in support of the petition as false, baseless and misleading. I did not play any role in the registration of Cr.No.1110/2007 followed by filing of charge sheet before the competent court of law. The case was registered by the station officer/Sub Inspector on receipt of intimation from the Government Hospital, Ootacamund, as the informant was admitted as inpatient. In fact, the FIR was registered based on recording of statement of the informant/aggrieved in the hospital on receipt of medical memo and hence, the allegation that the prosecution was launched by me itself is totally baseless. I respectfully state that the petitioner having abused the process of law to wreck vengeance against me had falsely filed the above writ roping me with a malafide intention and had circumvented the situation to defend their civil dispute of tenancy. I did not act against the petitioner against law in any manner at any point of time. I state that the FIR would read that informant and the petitioner had loan transactions and this aspect has not been truly stated by the petitioner. I respectfully submit that as I was and am truly serving in the department to best of my ability in accordance with law and rules and that I was promoted as DSP with effect from 7.7.2012."

4.Reiterating the aforesaid averments made in the counter affidavit, the learned counsel for the fourth respondent submitted that

there is no substance in the allegations made by the petitioner against the fourth respondent and hence, the writ petition is liable to be dismissed.

5. Heard both sides and perused the records.

6. Admittedly, there is a tenancy dispute pending between the petitioner and her landlord. In this writ petition, the petitioner has sought a direction to the official respondents to take penal action against the fourth respondent, who was the Inspector of Police, B1 Town Central Police Station, Uthagamandalam, The Nilgiris, during the relevant point of time, alleging that he has not received the complaints made by her through registered post and not registered any case. Aggrieved over the inaction on the part of the fourth respondent, the petitioner placed the matter before the Deputy Inspector General of Police, Coimbatore Range, who, in turn, sent a reply to the petitioner stating that after verifying the issue, the Superintendent of Police, The Nilgiris found it appropriate to issue severe warning and accordingly, issued warning memo dated 04.06.2008 and closed the same.

7. Considering the aforesaid facts, this Court is of the opinion that though the petitioner is dissatisfied with the action so taken against the fourth respondent, she has not chosen to challenge the proceedings dated 04.06.2008, but only sought a mandamus to take penal action against him. Further, taking note of the averment so made in the counter affidavit filed by the fourth respondent, the other allegation made against him that he colluded with her landlord and caused harassment and mental agony to the petitioner, by misusing his official power, cannot be countenanced. Hence, no relief can be granted to the petitioner in this writ petition.

8. Accordingly, this writ petition stands dismissed. No costs.

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Index: Yes/ No

To

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R.MAHADEVAN, J.

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